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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				
			EXAMINER TRAN, THUY VAN	
			ART UNIT 3652	PAPER NUMBER

DATE MAILED: 10/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

10/602,719

Applicant(s)

ORRMANN, JAAKKO

Examiner

Thuy V. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) 4-6 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 7 and 8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/25/03 & 7/28/03
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. This application contains claims directed to the following patentably distinct species of the claimed invention:

Species A, Figures 1 & 3; and

Species B, Figures 2 & 4.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.

Currently, claim 1 is generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

2. During a telephone conversation with Joe Muncy on September 27, 2005 a provisional election was made with traverse to prosecute the invention of Species A, Figures 1 & 3, claims 1-3, 7 and 8. Affirmation of this election must be made by applicant in replying to this Office action. Claims 4-6 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

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Note, Applicant indicated that claims 1-4, 7 and 8 are readable on the elected species, Figures 1 & 3. However, the recitation "the planes of rotation of diverting pulleys are parallel to the wall" of claim 4 is not readable on the elected species of Figures 1 & 3 because not all the planes of rotation of diverting pulleys in figures 1 and 3 are parallel to the wall. Thus claim 4 is withdrawn from further consideration.

Priority

3. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Finland on January 25, 2001. It is noted, however, that applicant has not filed a certified copy of the FI U20010038 application as required by 35 U.S.C. 119(b).

Specification

4. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

5. The disclosure is objected to because of the following informalities: the specification should not refer to any claims.

Appropriate correction is required.

6. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claim 9 has been renumbered claim 2.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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8. Claims 1-3, 7 and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The recitation "and mounted in the upper part of the shaft for the transmission of hoisting power" in claim 1, lines 8-9 renders the claim indefinite since it is unclear whether "a number of diverting pulleys and a traction sheave" or "a drive motor" or both being "mounted in the upper part of the shaft". Further, the recitation "a drive motor arranged to drive one of said diverting pulleys, and a rope system" in claim 1, lines 10-12 renders the claim indefinite because it is unclear whether "a drive motor" in line 10 is the same or an addition to "a drive motor" as recited in lines 7-8 or not. Furthermore, it is unclear whether "the pulleys and the sheave" or just "the pulleys" the recitation "which are disposed" being referred to.

9. Claim 3 recites the limitation "the diverting pulley" in line 2, and "the fixed overhead structure" in line 3. There are insufficient antecedent basis for these limitations in the claim. Further, it is unclear if "the diverting pulley" is one of "a number of diverting pulleys" in claim 1 or not.

10. Claim 7 recites the limitation "the hoisting machine" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

12. Claims 1-3 and 8 (as best understood) are rejected under 35 U.S.C. 102(a) as being anticipated by WO 00/27739 A1 (Submitted IDS).

WO '739 discloses an elevator comprising car guide rails (A) disposed in the vertical direction of an elevator shaft on the same side of the car (2), an elevator car whose motion is guided by the car guide rails, counterweight guide rails (B) placed in the elevator shaft, a counterweight (3) whose motion is guided by the counterweight guide rails, a number of diverting pulleys and a traction sheave (8) driven by

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a drive motor (15) and mounted in the upper part of the shaft for the transmission of hoisting power, which are disposed in the elevator shaft on the same side of the car, wherein the traction sheave (8) and at least two diverting pulleys are mounted in the upper part of the elevator shaft and the elevator car (2) and the counterweight (3) are provided with at least one diverting pulley each and both the car and the counterweight have a suspension ratio of 3:1 or greater.

Re claim 2, the traction sheave and three diverting pulleys (in page 5, lines 27-28, WO '739 discloses that several pulleys may be used side by side instead of a single pulley) are mounted in the upper part of the elevator shaft, the counterweight (13) is provided with two diverting pulleys (7) for supporting it, the car (8) is provided with two diverting pulleys (6) for supporting it, both the car (8) and the counterweight (13) having a suspension ratio of 4:1.

Re claim 3, the plane of rotation of the diverting pulley (11, 14) mounted on the fixed overhead structure of the elevator shaft is at an angle relative to a wall of the elevator shaft.

Re claim 8, the counterweight guide rails (B) and the car guide rails (A) are disposed in the elevator shaft on the same side of the elevator car, as broadly claimed.

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 1, 7 and 8 (as best understood) are rejected under 35 U.S.C. 103(a) as being unpatentable over "Elevator Mechanical Design: Principles and Concepts" by Janovsky in view of WO 0044664 A1 (Submitted IDS).

Janovsky discloses on page 46, Figure 3.5, an elevator system including a suspension ratio of 4:1.

Janovsky does not disclose guide rails disposed on a lateral side of the elevator car.

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WO '664 teaches that disposing elevator guide rails and counterweight guide rail on the same side of a lateral side of the elevator would reduce the elevator shaft space.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have disposed elevator guide rails and counterweight guide rails on the same side of a lateral side of the elevator car for the elevator system shown in Janovsky as taught by WO '664 in order to provide a compact elevator shaft.

Conclusion


15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Each of the cited references separately discloses an elevator system having a rope suspension ratio of equal or greater than 2:1.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy v. Tran whose telephone number is 571-272-6932. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen D. Lillis can be reached on 571-272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TVT (TVT)


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